

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2167 - SB 2409**

May 8, 2020

**SUMMARY OF BILL:** Expands the definition of “racial profiling” to the detention, interdiction, or other disparate treatment of an individual solely on the basis of the individual's actual or perceived race, color, ethnicity, national origin, age, gender, religion, sexual orientation, or immigration status.

Requires law enforcement agencies to collect record and report certain data on persons stopped for traffic violations and to submit to the respective District Attorney General a copy of each complaint received during the calendar year that alleges racial profiling and a written notification of the review and disposition of such complaint annually.

Requires the Attorney General and Reporter to compile an annual report for the Governor and Speakers of the Senate and the House of Representatives, including any observations or recommendations.

Requires the Department of Safety (DOS) to develop and prescribe a form to be used by law enforcement officers during a traffic stop to record personal information about the operator of the motor vehicle stopped, the location of the stop, the reason for the stop, and any other information that is required and a form to be used to report complaints by individuals who believe they were subjected to racial profiling.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$108,000/FY20-21**

**\$26,200/FY21-22 and Subsequent Years**

**Assumptions:**

- Pursuant to Tenn. Code Ann. § 38-1-502, racial profiling means the detention or interdiction of an individual in traffic contacts, field contacts, or asset seizure and forfeiture efforts solely on the basis of the individual's actual or perceived race, color, ethnicity, or national origin.
- Each law enforcement agency is required to have a written policy that prohibits racial profiling by its employees.
- Expanding this definition to include age, gender, religion, sexual orientation, or immigration status will not significantly impact state or local government agencies' policies and procedures.

- This legislation would require law enforcement agencies to record and retain the characteristics of race, color, ethnicity, gender, religion, and age of any person stopped for a traffic violation. The identification of such characteristics must be based on the observation and perception of the law enforcement officer responsible for reporting the stop, and the person stopped shall not be required to provide the information.
- Most local law enforcement agencies keep an accessible record of the number of citations, warnings and violations issued. However, most do not break down the information to the degree mandated in this legislation.
- Because this legislation specifies that DOS is to develop and prescribe the necessary forms to gather the required information, there will not be an increase in expenditures to local governments.
- The web form of the officer entry would be created in the TITAN web portal, owned by DOS. A vendor is contracted to maintain, develop, and upgrade the portal, servers, and data held within the TITAN web portal. The vendor would be the developer of the electronic form.
- Based on information provided by DOS, the increase in state expenditure in FY20-21 is estimated to be approximately \$108,000.
- The annual recurring maintenance cost is estimated to be \$26,155 in FY21-22 and subsequent years.
- The Attorney General and Reporter can compile an annual report for the Governor and Speakers of the Senate and the House of Representatives, including any observations or recommendations, with existing resources and personnel.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jmg